

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HAMLET GARCIA, II,	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:20-cv-02657-JDW
	:	
UNITED STATES OF AMERICA, <i>et al.</i>	:	
Defendants.	:	

MEMORANDUM

Hamlet Garcia, II refuses either to pay a filing fee or to complete an application to proceed without paying the fee. He has, however, filed a motion to proceed without paying the fee. The Court therefore has the power to consider whether his claim is frivolous. It is, so the Court will dismiss it.

I. BACKGROUND

A. Allegations In The Complaint

Garcia’s submission is nonsensical. He refers to himself as “i: a man” and describes himself as a “prosecutor.” He refers to himself as the “*Garcia Court*.” (ECF No. 2 at 3.) He has named as Defendants the United States, President Trump, Pennsylvania Governor Tom Wolf, Judge Gerald McHugh, Philadelphia Police Commissioner Danielle Outlaw, James Duff (the director of the U.S. Administrative Office of the Courts), and Joseph Evers (Court Administrator for the Philadelphia Court of Common Pleas). He has titled one paper with the word “Trespass” but makes no allegations about a trespass. He references a “forgery” but makes no allegations about a forgery. He includes an “order” that “directs” this Court to issue a final resolution of the charges against Mr. Garcia in Philadelphia Municipal Court case no. MC-51-CR-533-2019. He demands “billions of dollars” of compensation. (*Id.* at 1.) He also demands that all documents have a “wet-ink” signature, requires documents to be “dubbed” in accordance with the Chicago Manual of Style,

and demands that the Court treat as counterfeit all documents submitted in “Dog-Latin” or another “debased language.” (*Id.* at 3-4.)

B. Procedural History

Mr. Garcia filed this complaint on June 4, 2020. He also filed an application to proceed *in forma pauperis*, i.e., without paying filing fees. On June 19, 2020, the Court issued an Order directing Mr. Garcia to sign his motion to proceed *in forma pauperis* and return it within 30 days or to pay the filing fee. He did not respond directly to the Motion. However, on July 9, 2020, he filed an “Order” purporting to reject the Court’s Order because it has a typed signature and demanding damages of \$1 per minute. He also demands that the Court address him as “Lord Garcia.” (ECF No. 5 at 2.)

II. ANALYSIS

Under 28 U.S.C. § 1915(e)(2), a federal court may dismiss an action seeking to proceed without paying a filing fee *sua sponte* if the action is frivolous or malicious.” *See* 28 U.S.C. §§ 1915(e)(2). The Court can make that determination before or after considering a Petitioner’s request to proceed *in forma pauperis*. *See Brown v. Sage*, 941 F.3d 655, 664 (3d Cir. 2019) (*en banc*). A complaint is frivolous if it “lacks an arguable basis either in law or in fact,” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989), and is legally baseless if it is “based on an indisputably meritless legal theory,” *Deutsch v. United States*, 67 F.3d 1080, 1085 (3d Cir. 1995).

Mr. Garcia’s claims are frivolous. The Court is not sure what Mr. Garcia means to assert. To the extent he asserts claims for trespass or forgery, he has not pled any facts to support those claims. To the extent he is asking the Court to intervene in a criminal prosecution in Philadelphia Municipal Court, he has not shown a basis for that intervention, and the doctrine of *Younger*

abstention precludes the Court from doing so in any event. *See Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 73 (2013).

III. CONCLUSION

Mr. Garcia's claims are frivolous. The Court will dismiss them. However, because they fail in part for lack of detail, the Court will dismiss them without prejudice. An appropriate Order follows.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.

Dated: July 23, 2020